

REMARKS

This Response is made to the final Office Action dated July 27, 2007. Claims 1-8 and 10-20 are pending in this case. By this paper, Applicants submit a Rule 1.131 declaration by one of the inventors to swear behind the cited art. Applicants respectfully request reconsideration of the claims in view of the remarks below.

Applicants thank the Examiner for indicating that claim 20 has been allowed and that claims 2, 4-6, 11 and 14-18 would be allowable if rewritten in independent form. In view of the declaration submitted herewith, it is believed that independent claim 1 is allowable over the cited art and that these allowed dependent claims do not have to be rewritten in independent form.

The Examiner rejected claims 1, 3, 7, 10, 12-13 and 19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,790,227 to Burgermeister (the "Burgermeister patent"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Burgermeister patent. These rejections are respectfully traversed. Applicants respectfully disagree with the Examiner's characterization of the Burgermeister patent. However, in order to expedite allowance of this application, Applicants are submitting herewith a Rule 1.131 declaration by one of the inventors to swear behind the Burgermeister patent. Applicants submit that the Burgermeister patent is inapplicable in view of the Rule 1.131 declaration. This declaration is signed by one of the inventors of the present application attesting to prior invention and reduction to practice of the invention in the United States at a date prior to the earliest effective date of the Burgermeister patent, namely, its filing date of March 1, 2001. The declaration includes documentary evidence provided as

support for conception and diligence. Based on this declaration, Applicants respectfully submit that the Burgermeister patent cannot be used as an anticipatory or obviousness reference. Therefore, it is believed that claims 1, 3, 7, 8, 10, 12-13 and 19 are now in a condition for allowance.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any fees payable in connection with this response to Deposit Account No. 06-2425.

Respectfully submitted,
FULWIDER PATTON LLP

By: /THOMAS H. MAJCHER/
Thomas H. Majcher
Registration No. 31,119

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